

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1 and 4-23 are presently active; Claims 1 and 16-18 have been amended. Claim 23 has been presently added.¹

In the outstanding Office Action, Claims 1, 9, and 14-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sayed et al (U.S. Pat. No. 5,828,677). Claims 7, 10, 14, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sayed et al in view of Stallings (Data and Computer Communications). Claims 8 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sayed et al in view of Stallings and further in view of Zori (ARQ Error Control for Fading Mobile Channels). Claims 4-6, 12, and 13 were objected to for being dependent from a rejected base claim but would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims.

Firstly, Applicants acknowledge with appreciation the indication of allowable subject matter in Claims 4-6, 12, and 13.

Secondly, Applicants acknowledge with appreciation the courtesy of Examiner Ferris to interview this case on March 2, 2006 during which time the issues in the outstanding Office Action and an issue regarding the absence of headings in the specification were discussed, as summarized on the Interview Summary Sheet.

As discussed during the interview, Examiner Ferris viewed the teachings of Sayed et al to disclose a transceiver in which error states were stored, since the transceiver both transmitted and received messages in the same unit. Applicants' representative discussed language that would differentiate the present invention from the transceiver of Sayed et al.

¹ Claim 23 presents the subject matter of Claim 1 in standard U.S. practice method format. Thus, no new matter has been added by this claim.

No agreement on patentability was reached, although Examiner Ferris seemed positive about overcoming Sayeed et al provided that it was clarified that the receiver of the present invention was not a part of the transmitter. During the interview, Examiner Ferris reiterated his view regarding the allowable subject matter of Claim 4.

In response to the interview, the specification has been amended to include headings, and the independent claims have been amended to define that the receiver is removed from the transmitter, as shown in Applicants' Figure 1 and similar to that discussed during the interview.

With this clarification, independent Claims 1, 16-18, and 23 (and the claims dependent therefrom) are believed to patentably define over Sayeed et al, as the receiver in Sayeed et al is included within the transmitter unit shown in Figure 1A of Sayeed et al and therefore is not removed from the transmitter as claimed. Indeed, M.P.E.P. § 2131 requires for anticipation that each and every feature of the claimed invention must be shown and requires for anticipation that the identical invention must be shown in as complete detail as is contained in the claim.

Hence, Applicants submit that the 35 U.S.C. § 102(b) rejection over Sayeed et al has been overcome

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Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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